

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RHE-TECH, INC.,

Plaintiff,

v.

Case No. 08-14104  
Honorable Patrick J. Duggan

OWENS CORNING,

Defendant.

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**ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on December 18, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Presently before the Court is Defendant's motion to set aside entry of default and motion to dismiss. For the reasons set forth on the record at a hearing held December 17, 2008,

**IT IS ORDERED**, that the entry of default is hereby set aside upon condition that Defendant's counsel pay Plaintiff's counsel the sum of \$500 within ten (10) days of the date of this Order;

**IT IS FURTHER ORDERED**, that:

- (1) Defendant's motion to dismiss is **DENIED WITHOUT PREJUDICE**;
- (2) Plaintiff shall amend the complaint on or before January 15, 2009; and

(3) upon receipt of the amended complaint, Defendant may file a renewed motion to dismiss. If Defendant does not intend to file a renewed motion to dismiss, it shall so notify the Court and file an answer within twenty-one (21) days of receipt of the amended complaint;

(4) If Defendant files a renewed motion to dismiss, Plaintiff may file a response.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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